

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

SHARON GORE, as Administratrix and)
Personal Representative of the Estate of)
TULLIS HERBERT GORE, DECEASED)

Plaintiff,

CASE NO: 3:06-CV-167-WKW

VS.

**RONALD LARRY FOSTER, JOE DUBOSE)
TRUCKING, et al.,)**

Defendants.

MOTION FOR PROTECTIVE ORDER FOR RELEASE OF MEDICAL RECORDS

Come now the defendants, **RONALD LARRY FOSTER and JOE DUBOSE TRUCKING**, separately and severally, by and through there attorney of record, and move this Honorable Court for a protective order authorizing disclosure of protected health information pertaining to the deceased, Mr. Tullis Herbert Gore. In support of this motion, the defendants submit the following:

1. This lawsuit involves a motor vehicle collision which occurred on January 5, 2006 in Opelika, Alabama. The plaintiff's deceased, Tullis H. Gore, died as a result of the injuries he sustained in this accident.

2. The plaintiff, Sharon Gore, has testified by deposition that her husband had a number of health problems prior to his death. In particular, Ms. Gore testified that her husband had trouble with his heart, high cholesterol, high blood pressure, and had experienced a seizure prior to his death.

3. According to Ms. Gore, her husband took a number of medications every day including anti-seizure medication, medication for high blood pressure, and medication for high cholesterol.

4. Pursuant to the request of Trooper Phillip Ray of the Alabama Department of Public Safety, the Alabama Department of Forensic Sciences performed a toxicological analysis of a blood sample that was obtained from Mr. Gore following the subject accident. Mr. Gore tested positive for Mephobarbital and Phenobarbital.

5. The defendants would like to obtain copies of the medical records of Mr. Gore's primary treating physicians that he saw prior to the subject accident. Based upon the deposition testimony of Mr. Gore's wife and the Toxicological Analysis Report issued by the Alabama Department of Forensic Sciences, the defendants have reasonable cause to believe that Mr. Gore's medical records may lead to the discovery of admissible evidence at the trial of this case.

6. Pursuant to the implementation of the Health Information Privacy and Accountability Act (HIPAA), health care providers may require the assurance of a protective order limiting disclosure of medical information pertaining to the plaintiff's decedent before responding to a subpoena or directive to produce medical records or bills.

WHEREFORE, PREMISES CONSIDERED, the Defendants, Ronald Larry Foster & Joe Dubose Trucking, respectfully requests that this court enter a protective order governing the dissemination of protected health information of Mr. Tullis Herbert Gore.

/s/ David A. Lee

David A. Lee (LEE019)
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CERTIFICATE OF SERVICE

I hereby certify that I have served on this the 7th day of December, 2006, a copy of the foregoing pleading via United States mail, postage prepaid and properly addressed on counsel for all parties as follows:

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